

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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JOSEPH A. FERRARA, SR., FRANK H. FINKEL,  
MARC HERBST, DENISE RICHARDSON, THOMAS  
F. CORBETT, ANTHONY D'AQUILA, THOMAS  
GESUALDI, LOUIS BISIGNANO, DOMINICK  
MARROCCO, and ANTHONY PIROZZI, as Trustees  
and Fiduciaries of the Local 282 Welfare Trust Fund,  
the Local 282 Annuity Trust Fund, the Local 282 Job  
Training Trust Fund, and the Local 282 Vacation and  
Sick Leave Trust Fund,

Plaintiffs,

- against -

CMR CONTRACTING LLC, and LTU INDUSTRIES  
INC. a/k/a LTU INDUSTRY INC.,

Defendants.  
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**JUDGMENT**  
CV-10-5905 (ADS)(ETB)

An Order of Honorable Arthur D. Spatt, United States District Judge, having been filed on February 23, 2012, adopting in its entirety the January 20, 2012 Report and Recommendation of Magistrate Judge E. Thomas Boyle; awarding plaintiffs damages with respect to CMR Contracting LLC as follows: (1) \$172,569.92 in unpaid employee benefit contributions; (2) \$115,987.36 in interest, with additional interest to be calculated at a rate of \$85.10 per day from January 20, 2012 through the date of judgment; (3) \$115,987.36 in liquidated damages, with additional liquidated damages to be calculated at a rate of \$85.10 per day from January 20, 2012 through the date of judgment; (4) audit fees in the amount of \$700.00; (5) \$9,618.00 in attorney's fees; and (6) \$2,115.68 in costs, for a total monetary award of \$416,978.32 plus additional interest and liquidated damages; awarding plaintiffs damages with respect to LTU Industries Inc. as follows: (1) \$11,272.04 in unpaid employee benefit contributions; (2) \$5,192.60 in interest, with additional interest to be calculated at a rate of \$5.56 per day from January 20, 2012 through the date of judgment; (3) \$5,192.60 in liquidated damages, with additional liquidated damages to

be calculated at a rate of \$5.56 per day from January 20, 2012 through the date of judgment; (4) audit fees in the amount of \$3,109.88; (4) \$8,482.00 in attorney's fees; and (6) \$2,115.68 in costs, for a total monetary award of \$35,364.80, plus additional interest and liquidated damages; and directing the Clerk of Court to enter judgment accordingly and to close this case, it is

**ORDERED AND ADJUDGED** that judgment is entered in favor of plaintiffs and against defendants as follows: with respect to CMR Contracting LLC, (1) \$172,569.92 in unpaid employee benefit contributions; (2) \$115,987.36 in interest, plus additional interest in the amount of \$4,084.80; (3) \$115,987.36 in liquidated damages, plus additional liquidated damages in the amount of \$4,084.80; (4) audit fees in the amount of \$700.00; (5) \$9,618.00 in attorney's fees; and (6) \$2,115.68 in costs, for a total monetary award of \$425,147.92; with respect to LTU Industries Inc.: (1) \$11,272.04 in unpaid employee benefit contributions; (2) \$5,192.60 in interest, plus additional interest in the amount of \$266.88; (3) \$5,192.60 in liquidated damages, plus additional liquidated damages in the amount of \$266.88; (4) audit fees in the amount of \$3,109.88; (4) \$8,482.00 in attorney's fees; and (6) \$2,115.68 in costs, for a total monetary award of \$35,898.56; and that this case is hereby closed.

Dated: Central Islip, New York  
March 7, 2012

DOUGLAS C. PALMER  
CLERK OF THE COURT

By: /s/ Catherine Vukovich  
Deputy Clerk